IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL W.P.NO.47 OF 1999

Shri.Vijay Agarwal ..Petitioner
Vs.
Kotak Mahendra Finance Ltd.
and Anr. ..Respondents

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Mr.M.A.Choudhary Advocate for Petitioner
Mr.V.B.Konde-Deshmukh A.P.P. for the State
None appears for the respondent no.1-original complainant though served

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : SEPT. 29,2005

P.C.

1. Heard the learned advocate for the petitioner and the learned A.P.P. for the State. None appears for the respondent no.1-original complainant though served.

2. The petitioner is seeking quashing of process issued by the learned Addl. Metropolitan Magistrate, 9th Court, Bandra, Mumbai in C.C.No.124/S/1997. In the said case process was issued against the petitioner under Section 138 of Negotiable Instruments Act.

3. For the reasons recorded in the decision of this Court in the case of **V.K.Jain and others Vs.**

Pratap V. Padode reported in 2005(3) Mh.L.J.778, I am of the opinion that the petitioner has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the petitioner prefers a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioner to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the petitioner makes a statement that the necessary revision will be preferred within five weeks from today. In view of this statement, the trial Court shall not proceed with the trial for a period of five weeks from today.

5. On the necessary revision being preferred by the petitioner before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

6. Writ Petition is disposed of.

[V.K.TAHILRAMANI,J.]